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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,311	04/13/2004	Che-Hsiung Hsu	UC0423USNA	4769
23906 7590 10/14/2010 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805				
EXAMINER YAMNITZKY, MARIE ROSE				
ART UNIT		PAPER NUMBER		
1786				
NOTIFICATION DATE		DELIVERY MODE		
10/14/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

Office Action Summary

Application No.

10/823,311

Applicant(s)

HSU ET AL.

Examiner

Marie R. Yamnitzky

Art Unit

1786

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 22 is/are allowed.
- 6) ☒ Claim(s) 18-20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date 24 Feb 2010.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on January 12, 2010 (amendment) and February 24, 2010 (amendment and IDS) have been entered.

2. The amendment filed January 12, 2010 amends claims 13-15, 18, 19 and 22, and adds claim 23.

The amendment filed February 24, 2010 amends claim 23. Although claims 13-15, 18 and 19 are also marked as amended claims in the February 24th listing of claims, the marked changes are the same as those set forth in the January 12th amendment, which is entered upon filing of the RCE.

A listing of claims with proper status identifiers is required in response to this action.

Claims 1-15, 18-20, 22 and 23 are pending.

3. The rejection of claims 13-15 under 35 U.S.C. 112, 2nd paragraph, as set forth in the final rejection (notification date: November 12, 2009) is overcome by the amendment filed January 12, 2010.

The rejection of claim 22 under 35 U.S.C. 102(e) as anticipated by Hsu et al. (US 2004/0102577 A1) is also overcome by the January 12th amendment.

4. Claims 1-15 and 22 are allowed.
5. Claims 18, 19 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The application as originally filed does not describe some of the devices as defined in present claim 18, with claim 23 dependent therefrom. While devices listed in claim 18 were listed in original claim 18 and in the paragraph bridging pages 23 and 24 of the specification, original claim 18 and the description on pages 23-24 does not appear to fully support the limitations of present claims 18 and 23 wherein the listed devices must have the layered structure set forth in claim 1, from which claim 18 depends. For example, the last sentence in the paragraph bridging pages 23 and 24 pertains to the use of described compositions as coating materials for certain listed devices. Using described compositions as coating materials does not appear to support the listed devices comprising an anode, a buffer layer and an active organic material layer, in which the buffer layer is a composite of at least three layers as in claim 1.

The application as originally filed does not describe a thin film field effect transistor comprising an electrode with the multilayered structure required by present claim 19.

6. Claims 18-20 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18, with claim 23 dependent therefrom, has been amended to delete several occurrences of the term “device” in lines 5 and 6, and insert “devices” in the last line. Presuming the term “devices” is to be read in conjunction with “energy storage” (in line 5) and everything listed thereafter, the examiner suggests inserting --or-- before “energy storage” in line 5 of claim 18. Also, if the term “devices” is to be read in conjunction with “energy storage” in line 5 and everything listed thereafter, then “electrochromic, energy storage,” in line 7 should be deleted as these types of devices are recited in earlier lines of the claim.

Alternatively, if the term “devices” as recited in the last line of claim 18 is not to be read in conjunction with “energy storage” in line 5 and everything listed thereafter, then it is not clear what is within the scope of “energy storage, field effect resistance”, “photovoltaic, memory storage, electrochromic, energy storage”.

The limitations of claim 19 are not clear. The claim is drawn to a thin film field effect transistor comprising at least one electrode, and the electrode is further defined. However, a thin film field effect transistor necessarily comprises multiple electrodes providing different functions (e.g. source, drain and gate electrodes). Since multiple electrodes of different functions are inherently required for a transistor as named in the preamble of the claim, it is not clear which of the multiple inherently required electrodes is the electrode that is further defined in the claim.

The limitations of claim 20 are inconsistent with the limitations of claim 1. Claim 1 requires at least one additional layer interposed between the first layer and the second layer whereas claim 20 requires at least a portion of the first layer to be in physical contact with at least a portion of the second layer. The language of claim 20 encompasses embodiments in which the entireties of the first and second layers are in physical contact with each other, which is inconsistent with the limitations of claim 1.

7. Miscellaneous:

In line 2 of claim 19, the phrase “comprising a composition comprising a composite” appears to be superfluous since language such as “the electrode comprising a first layer...a second layer...at least one additional layer” would equally leave the electrode open to other components.

8. Any inquiry concerning this communication should be directed to Marie R. Yamnitsky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday and Wednesday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitsky can be sent to (571) 273-1531.)

/Marie R. Yamnitsky/
Primary Examiner, Art Unit 1786

MRY
October 08, 2010